



WASHINGTON STATE
DEMOCRATS
PAUL BERENDT, CHAIR

P.O. Box 4027
SEATTLE, WA 98104

October 25, 1996

MUR 4546

Office of General Counsel
999 E St. NW
Washington, DC 20463

To whom it may concern:

Please find the attached complaint the Washington State Democratic Central Committee is filing against the Jack Metcalf campaign.

Sincerely,


Paul Berendt
State Party Chair

RECEIVED
FEDERAL ELECTION
COMMISSION
OFFICE OF GENERAL
COUNSEL

OCT 29 12 01 PM '96



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DEMOCRATS
PAUL BERENDT, CHAIR

P.O. Box 4027
SEATTLE, WA 98104

BEFORE THE FEDERAL ELECTION COMMISSION

COMPLAINT

MUR 4546

Oct 29 12:01 PM '96
FEDERAL ELECTION
COMMISSION
OFFICE OF THE
CLERK

I. SUMMARY

JACK METCALF refused to disclose, as required by law, the employer name or occupation for over 70 percent of his contributors on his July 15, 1996 filing for the reporting period ending June 30, 1996.

THE JACK METCALF campaign continues the practice in his October 15, 1996 FEC report -- once again failing to disclose, as required by law, the employer name or occupation for over 70 percent of his contributors.

TO THIS DATE, tens of thousands of dollars in hidden contributions have thus poured into Jack Metcalf's campaign without his making any attempt to furnish the voters of the Second Congressional District in the State of Washington with the critical information so that they may evaluate the industries in which the vast majority of his contributors work.

TO COMPOUND MATTERS, Jack Metcalf raised over \$60,000 at a fund-raiser with Speaker of the House Newt Gingrich on May 24, 1996. While most of this money came from PAC's, Jack Metcalf's campaign made no disclosure of the employer name or occupation for \$19,870 reported within two days of the Newt Gingrich fund-raiser. It then had almost two full months after Newt Gingrich's visit to track down the employer name or occupation for that huge influx of cash. Jack Metcalf's campaign nevertheless failed to report the employer name or occupation for the individual contributors within days of the Gingrich event in his July 15, 1996 report.

After filing its report with the FEC, the JACK METCALF campaign failed to amend in the following two months the July 15, 1996 filing in which it refused to disclose the employer name or occupation of over 70 percent of its contributors

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in the reporting period ending June 30, 1996. To this date, Jack Metcalf has yet to lift the veil of secrecy surrounding his FEC reports -- but is in fact continuing the practice of hiding the occupations of his donors.

Jack Metcalf's most recent FEC report, dated October 15, 1996, once again omits more than 70 percent of his individual contributor's occupations.

Day after day goes by and Jack Metcalf continues to thumb its nose at the voters of the Second Congressional District. Mr. Metcalf's campaign refuses to give the voters their contributors employer name and occupation information required by the law.

FEC rules are in place to prevent such flagrant and disturbing attempts to hide sources of contributions from voters. It should enforce them against Jack Metcalf.

II. JURISDICTION

The Washington State Democratic party brings this complaint pursuant to 2 U.S.C.s. 437g (a)(1). The Washington State Democratic Party is located at P.O. Box 4027, Seattle, Washington, 98104.

III. FACTS

The following facts are not subject to genuine dispute:

- (1) JACK METCALF's campaign reported 117 individual contributions for the reporting period ending June 30, 1996.
- (2) Not counting multiple contributions, 92 individuals made the 117 contributions shown on the July 15, 1996 report JACK METCALF's campaign filed with the FEC.
- (3) Of the 92 individuals, no employer name or occupation was disclosed for fully 67 of the 92. As a result, the JACK METCALF campaign refused to disclose 72.8 percent of its contributors' employers or occupations.

- SECRET FOR THE GOV
- (4) Of the 37 individuals who contributed to the JACK METCALF campaign in the period ending October 15, 1996, 26 individuals were listed by the Metcalf campaign as "occupation unknown."
 - (5) \$36,688 -- more than 10 percent of his total campaign contributions -- has since washed into the JACK METCALF campaign without even the cursory disclosure of the industry, occupation, or employer for the contributor.
 - (6) Newt Gingrich held a fund-raiser for JACK METCALF on May 24, 1996. The JACK METCALF campaign received \$19,870 in individual contributions within 2 days of May 24, 1996. Of these 54 contributions, the employer name or occupation was furnished for just 14. No disclosure of the employers name or occupation was made for 74 percent of contributions to the JACK METCALF campaign made within 2 days of the May 24, 1996 fund-raiser.
 - (6) After the huge Newt Gingrich fund-raiser on May 24, 1996, the JACK METCALF campaign had over 50 days to track down the undisclosed employer name or occupation for the contributions it received at or about the time of the huge Newt Gingrich fund-raiser.
 - (7) The JACK METCALF campaign nevertheless signed and filed on July 15, 1996 a report for the period ending June 30, 1996. It certified that "I have examined this report and to the best of my knowledge and belief it is true, correct and complete."
 - (8) The JACK METCALF campaign has failed or refused to amend its July 15, 1996 report in the additional 4 months since the July 15, 1996 report was filed in order to disclose the employer name and occupation of 72.8% of its individual donors.
 - (9) Considering that the JACK METCALF campaign's latest FEC report continues to hide the occupations of Metcalf's donors, it appears that Metcalf campaign has no intention of meeting existing federal election requirements which mandate full disclosure of campaign

contributors in a suitable time period before the November 5, 1996 election.

IV. ANALYSIS

The law requires any federal campaign to use its "best efforts" to learn the donors' employers or their occupations. The JACK METCALF campaign clearly has no intention of complying with such law.

Best efforts does not mean filing a report where such critical information is missing from the 72.8 percent of the contributions. In this case, fully \$19,870 was received by the JACK METCALF campaign within 2 days of a huge fund-raiser by Newt Gingrich on May 24, 1996. The JACK METCALF campaign failed to report 40 of the 54 contributions it received from individuals within 3 days of the Gingrich fund-raiser. It then had over 4 months to find out the employer name or occupation for the 40 contributions where that information was not supplied to the FEC or the voters of the Second Congressional District.

Either the JACK METCALF campaign failed to use its best efforts to determine the employer name or occupation for 72.8 percent of its contributors or it found out such information and refused to report it to the FEC. It has had over 4 months after the Newt Gingrich fund-raiser to track down the employer name or occupation for the 40 "secret" donors at that event. The JACK METCALF campaign failed to use its best efforts to track down these secret and hidden donors. For all the public knows, all this money came from employees of foreign corporations or sources which violate the law.

This pattern of deceit or incompetency continues. Once again, 70 percent of JACK METCALF's individual contributors listed on his October 15, 1996 FEC report fail to cite an employer's name or occupation.

The law provides that flagrantly inaccurate reports with the FEC may be amended to disclose to the public the information required by the law. Yet over 4 months have passed since July 15, 1996 and the JACK METCALF campaign fails each day to amend its flagrantly incomplete July 15, 1996 report. Each passing day, JACK METCALF thumbs his nose at the voters of the Second

Congressional District and continues to hide the truth about his contributors from public scrutiny.

Certifying the July 15, 1996 report as "complete," was false and misleading and designed to perpetuate the continuing pattern of deceit surrounding hidden sources of money for the JACK METCALF campaign. The JACK METCALF campaign was among the very few campaigns in the country that the FEC selected for audit and found sloppy and shameful record-keeping. The audit did not end until 1996. Within just a few short months, the JACK METCALF campaign was back at it certifying a report for which the employer and occupation information was missing from 72.8% of the contributors as "complete."

Certifying the October 15, 1996 report as "complete," also was false and misleading and raises even more questions about the competency and legitimacy of the JACK METCALF campaign than the amount of money he continues to illegally accept.

If hiding the occupations of 70% of his contributors is the "best effort" that JACK METCALF can do, he should just tell that to the voters of the Second Congressional District that he gives little scrutiny over who is bank-rolling his campaign and is not serious about reforming the same campaign finance system Metcalf continues to abuse.

V. PRAYER FOR RELIEF

The Washington State Democratic Party requests:

- (1) An audit of the steps taken by the JACK METCALF campaign to determine the employer name and occupation for the contributors to its huge fund-raiser with Newt Gingrich on May, 24, 1996.
- (2) An audit of the steps taken by the JACK METCALF campaign to determine the employer name and occupation for all contributors in the period ending June 30, 1996.

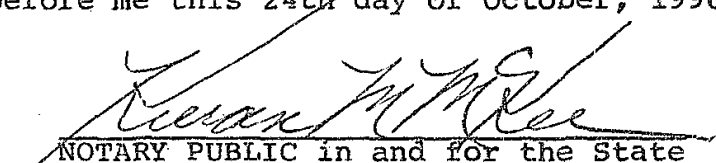
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- (3) An investigation into why the report was certified as "complete" when 72.8 percent of its contributors for the period ending June 30, 1996 did not have an employer and occupation.
 - (4) An investigation into why JACK METCALF's October 15, 1996 FEC report was certified as "complete" when more than 70 percent of his contributor's did not have an employer and occupation.
 - (5) An investigation into why the JACK METCALF campaign can think it can get away with saying that hiding the employer name or occupation for over 70 percent of its contributors is its "best effort."
 - (6) An investigation into why the JACK METCALF campaign failed in the 4 months after the Newt Gingrich fund-raiser to track down the employer name or occupation of 40 of the 54 contributions it received within two days of that event.
 - (7) An investigation into why the JACK METCALF campaign failed for 4 months after the July 15, 1996 report was filed to amend it to disclose the occupation or employer name for the 72.8 percent of its contributions. JACK METCALF continues day after day mock the FEC and at the voters of the Second Congressional District by abusing this country's campaign finance system.
 - (8) The Commission should take immediate and appropriate action to deter future filings by JACK METCALF of sloppy, shady, and devious reports; more than 70 percent of which is missing the information required by law.

Respectfully submitted,


Paul Berendt

State Democratic Party Chair

SUBSCRIBED AND SWORN to before me this 24th day of October, 1996
at Seattle, Washington.


NOTARY PUBLIC in and for the State
for Washington residing at Seattle.
My commission expires 2/1/99